

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OUR BODY ELECTRIC, INC.,

Plaintiff,

v.

NOOM, INC.,

Defendant.

Civil Action No.: 1:24-cv-00678-JGK

MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiff Our Body Electric, Inc. (“obé”) moves the Court to enter their Proposed Order to file its Memorandum of Law in Support of its Motion for Preliminary Injunction (“Memorandum”), Declaration of Ashley Mills in Support of the Motion for Preliminary Injunction (“Mills Declaration”) and exhibits A, B, and D thereto (“Exhibits”) under seal, so as to lawfully keep such information confidential until further order of the Court or conclusion of the suit. In support of this Motion, obé states:

1. obé’s Complaint is against Defendant Noom, Inc. (“Noom”) and alleges, *inter alia*, trademark infringement. *See* Dkt. 1.
2. The Complaint was filed under seal in this action because the Complaint includes certain confidential information of obé.
3. The reason for confidentiality of this information, which obé is unable to disclose publicly, is explained in paragraphs 23-33 of the Complaint as well as exhibit 1 thereto (both filed under seal); *see also Motion for Leave to File Case Under Seal, Our Body Electric, Inc. v. Noom, Inc.*, No. 1:24-mc-00049 (S.D.N.Y. Jan 29, 2024).

4. The Memorandum, Mills Declaration, and Exhibits thereto reference the same confidential information.

5. Therefore obé respectfully requests that it be granted leave to file (i) the Memorandum, and (ii) Mills Declaration under seal in redacted form, but (iii) the Exhibits to the Mills Declaration under seal in their entirety.

6. Contemporaneously filed with this Motion are the Memorandum, Mills Declaration, and Exhibits thereto.

7. obé attaches to this Motion a proposed Order to File Under Seal.

WHEREFORE, obé respectfully requests that this Court grant its Motion to File under Seal and to enter the Proposed Order.

Dated: March 8, 2024

Respectfully Submitted,

/s/ Armin Ghiam

Gary A. Abelev

Email: garyabelev@HuntonAK.com

Armin Ghiam

Email: aghiam@HuntonAK.com

HUNTON ANDREWS KURTH LLP

200 Park Avenue

New York, NY 10166

Tel.: (212) 309-1000

Fax: (212) 309-1100

Attorneys for Plaintiff

Our Body Electric, Inc.

*Application granted without prejudice
to any opposition that explains why
any material filed under seal should
be unsealed. S/C ordered.
3/12/24 - 2 - J.R. 6/6/24
N.S.D.J.*